



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,578	02/25/2002	James F. Austin	12523-0002	5701

7590

06/06/2006

Intellectual Property Group
Bose McKinney & Evans LLP
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, IN 46204

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,578

Applicant(s)

AUSTIN ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17,20-41,47-58 and 61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 20-41, 47-58 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This action is in response to amendment filed on 3/24/2006. Claims 1-16, 18-19, 42-46 and 59-60 have been canceled.

2. Claims 17, 20-41, 47-58 and 61 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 20-41 and 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (US 6,986,712), in view of Lee (US 2002/0019677), further in view of Rautiola et al. (US 6,853,851), hereinafter Rautiola.

5. As to claim 17, Ogawa discloses the invention substantially as claimed, including a system for distributing real-time information during an event relating to one of marketing research, voting, fishing, and golf among a plurality of participants of the event (figs. 3-4; col. 6, lines 56-62, "all players' scores on real time"), the system including:

a plurality of wireless devices (103, fig. 1) individually associated with the plurality

of participants, each wireless device including application software (col. 5, lines 9-14, “web browser executed by the mobile terminal”) for enabling an associated participant to periodically *display* individual information in the wireless device during the event (col. 1, line 50 – col. 2, line 3; col. 5, line 59 – col. 6, line 17);

a network including a transceiver adapted to wirelessly receive individual information from and provide event information to the wireless devices (fig. 1);

a server connected to the network, the server including server software to enable the server to receive individual information from the transceiver, compute the event information based on the received individual information, and transmit the event information to the transceiver for wireless distribution to the participants via the wireless devices (col. 2, lines 12-17; col. 2, lines 40-67);

wherein the application software continues to enable *displaying* of individual information in a wireless device (col. 1, line 50 – col. 2, line 3; col. 5, line 59 – col. 6, line 17).

6. Ogawa discloses the wireless device (103, fig. 1) that inherently has a memory to store files and information locally. Lee discloses storing individual information in the wireless device (page 1, 0009, “enabling golfers to record personal record information by using mobile phone”; page 1, 0010, page 3, 0038, “mobile phone 320b stores”). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ogawa and Lee because Lee’s storing information in the wireless device would allow the user of the wireless device to upload the stored individual

information to the server through the Internet (Lee, page 1, 0009).

Ogawa and Lee do not specifically disclose enabling storage of individual information in a wireless device when the wireless device including the application software is outside a range of communication with the transceiver. Rautiola discloses enabling storage of individual information in a wireless device when the wireless device including the application software is outside a range of communication with the transceiver (col. 3, lines 29-38; col. 3, line 66 – col. 4, line 11; col. 7, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ogawa, Lee and Rautiola because Rautiola's enabling the wireless device to store information when in outside a range of communication would allow the wireless device continuously to receive and store information over the mobile communication network even the device is outside the cell of the base transceiver station (col. 4, lines 9-11).

7. As to claim 20, Ogawa discloses the event is a golfing event and the individual information is golf score data of one of a participant and a team including the participant (fig. 4; col. 1, lines 7-13).

8. As to claim 21, Ogawa discloses server software permits web users access via a web site to a handicapping system after the web users log in to the web site, the handicapping system permitting submission of golf score data and providing updated

handicap information (fig. 1; col. 6, lines 63-67).

9. As to claim 22, Ogawa discloses the event information is a leaderboard including the golf score data of participants in the event in leader order (fig. 4; col. 1, lines 7-13).

10. As to claim 23, Ogawa does not specifically disclose the server software stops providing event information to a participant if the participant fails to upload golf score data for one of a predetermined number of holes of golf and a predetermined time period. However, it would have been obvious to ordinary skill in the art to include stop providing event information based on detection of connection failure using “ping” or “heartbeat” command.

11. As to claim 24, Ogawa discloses the golf score data is uploaded after a hole of golf is completed (S212, fig. 3; col. 6, lines 34-38).

12. As to claims 25 and 26, Ogawa discloses the server software interfaces with a handicapping system to permit calculations of handicaps of participants (col. 2, lines 40-67; col. 6, lines 63-67).

13. As to claim 27, Ogawa discloses the server software provides an e-mail message to a participant who submitted golf score for calculation of a handicap, the email message including the calculated handicap of the participant (mobile device inherently has a

capability to receive an e-mail message).

14. As to claim 28, Ogawa discloses wherein the application software enables the participants to upload to the server information relating to holes of golf identified as contest holes (S212, fig. 3; col. 6, lines 34-38).

15. As to claim 29, Ogawa discloses the contest holes include one of a longest drive hole, a longest putt hole, a closest-to-the-pin hole, and a hole-in-one hole (col. 5, lines 43-52).

16. As to claims 30 and 31, Ogawa discloses server software updates the contest hole information upon receipt of contest hole information from a participant, and provides the contest hole information for viewing by the participants (S212, fig. 3; fig. 4; col. 6, lines 34-38).

17. As to claims 32, 33, 34, 38 and 39, Ogawa discloses application software enables the wireless device to download and store advertising material from the network for viewing by the participants (col. 1, lines 7-13; col. 2, lines 40-67; col. 3, lines 8-25).

18. As to claims 35 and 36, Ogawa discloses main screen includes a link to a web site with financial content, news content (col. 3, lines 8-25).

19. As to claim 37, Ogawa discloses application software permits participants to enter an e-mail address into a wireless device for submission to the server to obtain additional information relating to an advertiser included in the advertising material (col. 3, lines 8-25; mobile device inherently has a capability to receive an e-mail message).

20. As to claims 40 and 41, Ogawa discloses the episode is completion of a predetermined hole and a predetermined number of holes (col. 6, lines 56-62).

21. As to claim 47, it is rejected for the same reasons set forth in claims 20 and 22 above.

22. As to claim 48, it is rejected for the same reasons set forth in claim 21 above.

23. As to claim 49, it is rejected for the same reasons set forth in claim 24 above.

24. As to claim 50, it is rejected for the same reasons set forth in claim 28 above.

25. As to claim 51, it is rejected for the same reasons set forth in claim 30 above.

26. As to claim 52, it is rejected for the same reasons set forth in claim 32 above.

27. Claims 53-58 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cline (US 2001/0051835), in view of Barnard (US 6,456,938).

28. As to claim 53, Cline discloses the invention substantially as claimed, including a method of providing a substantially continuously updated golf score leaderboard to participants in a golfing event (fig. 11; 1st, 2nd, T-3rd, T-3rd; page 9, [0091]), the method including the steps of:

enabling wireless devices (cellular telephone, personal data assistant, pager, laptop, palmtop; page 6, [0065]) carried by the participants to wirelessly communicate golf score data of the participants to a server (201, fig. 2) (score entry and verification via wireless device; 401, fig. 4; golfers 207 can access the client system for data entry and report viewing through wireless devices in their carts; page 6, [0063]; page 8, [0087]; page 9, [0091]) via a transceiver (cellular phone in WAP inherently comprises a transceiver for transferring and receiving data) coupled to the server (201, fig. 2) by a network (200, fig. 2);

enabling each wireless device to receive and store golf score data from a participant at any time during the event, regardless of whether the wireless device is within the range of the transceiver (golfers 207 can access the client system for data entry and report viewing through wireless devices in their carts; page 6, [0063]; wireless terminal include a cellular radio telephone with data processing that inherently has a memory to store data and a receiver to receive data; page 6, [0065]);

updating a leaderboard based on the golf score data of the participants when golf score data is received by the server (update databases for golfers and master

group; 407, fig. 4; page 10, [0096]); and

downloading the updated leaderboard to the wireless devices substantially continuously during the golfing event (a remote server, which performs the necessary calculations and reports summary results to the client location; page 4, [0050]; servers will transmit required data to clients as required; page 6, [0062]).

29. Cline discloses wireless terminals (PDA, palmtop) that have web connectivity operate using the wireless version of HTTP specified in the Wireless Application Protocol (WAP). The PDA and palmtop that inherently are allowed to access only within short range or medium range of communication using Bluetooth. Barnard discloses the wireless devices communicating the golf score data only when within a range of communication with the transceiver (col. 8, lines 52-59; col. 16, line 51 – col. 17, line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Cline and Barnard because Barnard's Bluetooth would enable data communication between client and server through short range or medium range radio frequency.

30. As to claim 54, Cline discloses providing the wireless devices to the participants (cellular telephone, personal data assistant, pager, laptop, palmtop; page 6, 0065).

31. As to claim 55, Cline discloses the golf score data is automatically communicated to the server after a predetermined time period has elapsed (figs. 6, 7; partially

completed; completed; page 2, 0019-0020; page 4, [0050]; page 4, 0051; page 7, 0073).

32. As to claim 56, Cline discloses providing a database connected to the server for storing the golf score data (102-109, fig. 1) and the updated leaderboard (update databases for golfers and master group; 407, fig. 4; page 10, 0096).

33. As to claim 57, Cline does not specifically disclose the server software stops providing event information to a participant if the participant fails to upload golf score data for one of a predetermined number of holes of golf and a predetermined time period. However, it would have been obvious to ordinary skill in the art to include stop providing event information to a participant since there is no new or updated data to transfer to clients.

34. As to claim 58, Cline discloses the golf score data is uploaded after a hole of golf is completed (fig. 7; page 2, 0020; page 4, 0050; provide scoring assistance at the completion of the event; page 4, 0051; page 7, 0073).

35. As to claim 61, it is rejected for the same reasons set forth in claim 53 above. In addition, Cline discloses continuously viewable advertising material to participants in a golfing event (page 5, 0060; advertising logos and promotional messages; page 10, 0099; page 12, 0117; ads database to enable the display of advertising; page 14, claims 26 and 27).

Response to Arguments

36. Applicant's arguments filed on 3/24/06 have been fully considered but they are not persuasive.

37. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

38. Applicant elected claims 17, 20-25, 27, 28, 47-50, 53, 55-58 and 61 of group II for examination. However, amended claims 17 and 20 filed on 3/24/06 include claim 1 which has been canceled in response to the restriction requirement; and amended claim 47 includes claim 42, which also has been canceled in response to the restriction requirement. However, examiner decided to examine amended claims 17, 20 and 47, which are directed to new issues introduced by applicant's amendment. The examiner rejected the new issues with new references.

39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

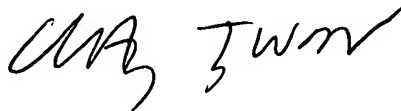
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
May 26, 2006

Handwritten signature of Jungwon Chang, consisting of stylized initials 'JC' followed by 'JWON'.